

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:
Batalden et al.

Serial No.: 10/020,026

Filed: December 14, 2001

For: Method For Controlling A
Browser Session

§
§
§
§
§
§
§
§
§

Confirmation No.: 8987

Group Art Unit: 2173

Examiner: Ting Zhou

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to fax number 571-273-8300 to the attention of Examiner Ting Zhou, on the date shown below:

February 5, 2007
Date

/Jon K. Stewart, Reg. No. 54,945/
Jon K. Stewart

REPLY BRIEF

Dear Sirs:

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to the *Examiner's Answer* dated December 5, 2006 (hereinafter *Examiner's Answer*). While Applicants' maintain each of the arguments submitted in Applicants' previously submitted *Appeal Brief*, Applicants make the following further arguments in light of the *Examiner's Answer*. Please charge any additional fees that may be required to make this Reply Brief timely and acceptable to Deposit Account No. 09-0465/ROC920010306US1.

TABLE OF CONTENTS

1.	Status of Claims	3
2.	Grounds of Rejection to be Reviewed on Appeal	4
3.	Arguments	5
4.	Conclusion	8

Status of Claims

Claims 1-2, 4, 7, 12-15, 20, 25-26, 28, and 32-34 and 36 are pending in the application. Claims 1-33 were originally presented in the application. Claims 5, 6, 16, 18, 19, 27, and 29 have been canceled without prejudice. Claims 1-2, 4, 7, 12-15, 20, 25-26, 28, and 32-34 stand finally rejected by the Examiner. The final rejection of claims 1-2, 4, 7, 12-15, 20, 25-26, 28, and 32-34 and is appealed.

Grounds of Rejection to be Reviewed on Appeal

1. Claims 1-2, 4, 7, 12-15, 20, 25-26, 28, 32-34, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yen et al.*, (U.S. Pub. No. 20020054141) in view of *Hodgkinson* (U.S. Pub. No. 20020016802).

2. Claims 3, 9-11, 17, 19, 21-24, 30-31 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yen*, *Hodgkinson*, as applied to claims 1, 14, 25 and 34 above, and Netscape® Communicator 4.75, copyright 2000.

ARGUMENTS

THE EXAMINER ERRS IN REJECTING CLAIMS 1-2, 4, 7, 12-15, 20, 25-26, 28, 32-34, and 36 UNDER 35 U.S.C. § 103(A) AS BEING OBVIOUS OVER YEN IN VIEW OF HODGKINSON

Claim 1 recites a method for controlling a viewable browser window that includes a step of receiving user input to which the controlled browser window is configured to produce a predetermined response. This method also includes a step of overriding the predetermined response by executing an action specified by the at least one event handler to cause a response different from the predetermined response. Independent claims 14, 25, and 34 recite similar limitations. The Examiner maintains the position that *Hodgkinson's* discussion of a technique for formatting a display of a webpage discloses these elements. Applicants disagree.

Hodgkinson is directed to “an improved method for the generation of pages for an internet website on a display screen and particularly, although not necessarily exclusively, to the generation of pages using apparatus with relatively limited processing capability.” *Hodgkinson*, ¶ 1. Specifically, *Hodgkinson* discloses a technique for formatting a webpage layout in response to a user request, where the reformatting of the web page is deferred until a predetermined time interval has elapsed or when a predetermined amount of data for a new webpage is received by a client device. See e.g., *Hodgkinson*, ¶ 15.

The Examiner continues to insist that this rendering technique discloses the limitation recited by claim 1 of overriding the predetermined response by executing an action specified by the at least one event handler to cause a response different from the predetermined response. See e.g., *Examiner's Answer*, p. 15. However, this limitation of claim 1 includes at least two parts: a “predetermined response” and a response different from the “predetermined response.” The passages from *Hodgkinson*, disclose receiving a request for a webpage, and responding to the request by retrieving and rendering the webpage. The “predetermined response” to the request is the same with, or without, the technique of *Hodgkinson*; namely, the rendered display of a webpage. *Hodgkinson* describes a process particular technique specifying when to reformat a

webpage as it is downloaded that is useful on an “apparatus with relatively limited processing capability.” See, e.g., *Hodgkinson*, ¶ 8, 15, 32, 35 and 36. Accordingly, Applicants submit that *Hodgkinson* does not disclose a method for controlling a viewable browser window that includes overriding a “predetermined response” with “a response different from the “predetermined response.” Accordingly, Applicants submit that claims 1, 14, 25, and 34 are allowable.

Regarding claims 2, 4, 7, 12, 13, 15, 20, 26, 28, 32, 33, and 36, each of these claims depends from one of claims 1, 14, 25, or 34. Applicants submit the above remarks demonstrate that *Yen* in view of *Hodgkinson* fails to disclose each and every limitation of the independent claims. Applicants also submit these dependent claims are allowable over *Yen* in view of *Hodgkinson*. For all of the foregoing reasons, therefore, withdrawal of this rejection and allowance of claims 1-2, 4, 7, 12-15, 20, 25-26, 28, 32-34, and 36 is requested.

THE EXAMINER ERRS IN REJECTING CLAIMS 3, 9-11, 17, 21-24, 30-31, and 35 UNDER 35 U.S.C. § 103(A) AS BEING OBVIOUS OVER YEN IN VIEW OF HODGKINSON and NETSCAPE

Claims 3, 9-11, 17, 21-24, 30-31, and 35 each depend from one of independent claims 1, 14, 25 and 34. In addition to the limitations of independent claims 1, 14, 25, and 34, claims 3, 9-11, 17, 21-24, 30-31, and 35 recite limitations directed to browser chrome elements that may be included with the controlling browser window. For example, claim 3 recites specifies that the “controlling browser window is further configured to control a graphical aspect of the controlled browser including the control of at least one browser chrome element displayed by a graphical user interface displayed by the opened controlled browser window.” Claims 9-11, 17, 21-24, 30-31 and 35 recite similar limitations.

The Examiner concedes that *Yen* fails to teach “aspects of the controlled browser window to be controlled by the controlling browser window [that] comprise at least one browser chrome element displayed by a graphical user interface displayed by the opened controlled browser window.” However, the Examiner continues to insist that features of the Netscape Communicator web-browser disclose this limitation.

Specifically,

Netscape teaches that when a user selects a link in a first browser window, a second browser window is opened (Screenshots 2-4). The second browser window is opened from the first browser window with a portion of the browser chrome, i.e., the back and forward buttons displayed in a manner that is different than the normal appearance of the buttons, i.e., the buttons are grayed out and deactivated in the sense that the user cannot select the back and forward buttons on the second opened browser window.

See *Examiner's Answer*, p. 15. First, Applicant submits that the Examiner is mistaken to suggest that the "forward and back buttons are displayed in a manner that is different than the normal appearance of the buttons." The normal appearance of these buttons, when there are no "forward" or "back" pages for the user to browse to, is exactly as depicted in Screenshots 2-4. The buttons are not "deactivated" at all. That is, there is no action that cannot be performed using these buttons because they are "deactivated," quite the contrary, the buttons are shown in a "grayed out" state because there are no web pages for a user to browse forward or backward to. As the user navigates to different pages, the user may use the "back" button to navigate backwards to pages previously viewed (up to the first page viewed, where the "back" button returns to the "grayed out" state) and use the "forward" button to navigate forwards (up to the most recently viewed page, where the "forward" button returns to a "grayed out" state).

As shown in the Netscape screenshots, the link to the second browser window is activated using a context sensitive menu choice: "Open Link in New Window." However, the original browser window (screenshot 2 of the *Netscape* program) fails to exert any control or influence over the second browser window (screenshot 3 of the *Netscape* program), and fails to control any chrome element displayed by the opened controlled browser window. Quite plainly, the visual aspects of the *Netscape* browser window shown in screenshot 3 are not controlled by the Netscape browser window shown in screenshot 2, as suggested by the Examiner. Accordingly, Applicants submit that claims 3, 9-11, 17, 21-24, 30-31 and 35 are allowable, and respectfully request, therefore, that the rejection be withdrawn and the claims be allowed.

CONCLUSION

The Examiner errs in finding:

- Claims 1-2, 4, 7, 12-15, 20, 25-26, 28, 32-34, and 36 are unpatentable over *Yen* in view of *Hodgkinson* under 35 U.S.C. § 103(a).
- Claims 3, 9-11, 17, 19, 21-24, 30-31 and 35 are unpatentable over *Yen*, *Hodgkinson*, in further view of *Netscape* under 35 U.S.C. § 103(a).

Withdrawal of these rejection and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/
Gero G. McClellan
Registration No. 44,227
Patterson & Sheridan, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Appellant(s)